

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TERESA FOX and EDWARD ISKRA,

Plaintiffs,

v.

KITSAP COUNTY, a municipal corporation
of the State of Washington; KEITH
BARKOW; DERRICK CRAWLEY;
CYNTHIA BAKER; and SCOTT P.
RIDDELL,

Defendants.

Case No. C06-5698RBL

ORDER

THIS MATTER comes on before the above-entitled Court upon Defendants Barkow and Riddell's request at the pretrial conference for clarification from Plaintiffs as to the basis of Plaintiffs' claims against them. In the Order on all Defendants' Motions for Summary Judgment [Dkt. #127], the Court indicated that Plaintiff Fox would be required to provide at or before the pretrial conference a state law basis for her claim that Defendant Riddell harassed and retaliated against her for whistle-blowing activity and/or for bringing this lawsuit. [Order, p. 16]. That information was not provided.

Furthermore, the Court directed Plaintiff Iskra to inform the Court prior to or at the pretrial conference whether or not he is pursuing a claim for intentional infliction of emotional distress. [Order, p. 12, fn. 13]. That information was not provided. The Order also indicates that it is unclear whether or not Plaintiff Iskra is pursuing a claim under Title VII. [Order, p. 8]. Although the Order did not direct Plaintiff to inform the Court whether or not he is pursuing a claim under Title VII, he shall do so in

1 response to this Order.

2 Therefore, Mr. Loun, counsel on behalf of Plaintiffs Fox and Iskra, shall **SHOW CAUSE** in
3 writing on or before March 30, 2009 the following:

- 4 1. The state law basis for Plaintiff Fox's harassment/retaliation claim against Defendant
5 Riddell;
- 6 2. Whether or not Plaintiff Iskra is pursuing a claim for Intentional Infliction of Emotional
7 Distress **AND** whether or not this claim is against Defendants Barkow and Riddell;
- 8 3. Whether or not Plaintiff Iskra is pursuing a claim under Title VII; and
- 9 4. Any basis whatsoever that Defendants Barkow and Riddell should remain in this lawsuit as
10 Defendants and not merely as witnesses.

11 Because Mr. Loun has not moved to withdraw as counsel for Ms. Fox, new counsel has not
12 appeared for Ms. Fox, and Ms. Fox has not notified the Court she intends to proceed *pro se*, Mr. Loun
13 will be expected to respond to this Order on behalf of Ms. Fox and Mr. Iskra. Furthermore, Mr. Loun
14 shall provide copies of this Order to both plaintiffs upon receipt and shall provide to both plaintiffs his
15 response upon filing. **THE RESPONSE TO THIS ORDER IS DUE ON OR BEFORE MARCH 30,**
16 **2009.**

17 **IT IS SO ORDERED.**

18 The Clerk shall send uncertified copies of this order to all counsel of record, and to any party
19 appearing *pro se*.

20 Dated this 23rd day of March, 2009.

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23 **RONALD B. LEIGHTON**
24 **UNITED STATES DISTRICT JUDGE**
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